

1215 Publications Review Board

A. Definitions. For purposes of this policy:

1. Classified information means any information or material that has been determined by the United States (U.S.) Government pursuant to an Executive Order, statute, or regulation, to require protection against unauthorized disclosure for reasons of national security. (18 U.S.C. App. § 1). Classification levels include “TOP SECRET,” “SECRET,” and “CONFIDENTIAL.” (Executive Order (E.O.) 13526, *Classified National Security Information*, December 29, 2009).
2. Classified National Security Information (NSI) means information that has been determined pursuant to EO 13526 or any predecessor Order to require protection against unauthorized disclosure and is marked to indicate its classified status.
3. Disseminated to the public means sharing a written work with anyone who is not authorized access to non-disclosable information as defined in this policy (e.g., peer reviews, editors, agents, co-authors, third parties, etc.).
4. Drug Enforcement Administration (DEA) Personnel means DEA employees, Deputized Task Force Officers, liaisons, detailees, and assignees to DEA’s Office of National Security Intelligence (NN), and contractor employees.
5. Intelligence Community (IC) is a group of Executive Branch agencies and organizations that work separately and together to engage in intelligence activities that are necessary for the conduct of foreign relations and the protection of the national security of the United States. Within DEA, only the Office of National Security Intelligence (NN) within the Intelligence Division is part of the IC. DEA’s IC Element Head is the Chief of the Intelligence Division (NC).
6. Joint Publication Projects mean any project where an outside group, with any DEA involvement, produces electronic, written, or other material for the public. An outside group may be a non-profit, a company, an association, another government agency, or any other entity. DEA officials may find it appropriate to consult with the outside group in order to ensure consistency with DEA equities/concerns during the review process.
7. Non-disclosable Information means information the unauthorized disclosure of which: would violate any law, regulation or policy, or non-disclosure agreement; could result in the impairment of national security; could pose a physical security threat; could place human life in jeopardy; could result in the denial of due process to a person or persons who are targets of investigations or prosecutions; could reveal confidential source identities or information that could be used to identify a confidential source; could reveal means and

methods used by DEA that have not already been officially released by DEA; or would otherwise prevent the DEA from effectively discharging its responsibilities. It includes but is not limited to information that is classified national security information, SCI, law enforcement sensitive but unclassified information, and information that could compromise an ongoing investigation or prosecution.

8. Non-Official Material is a product that is not created in an official DEA or U.S. Government capacity or on behalf of DEA or the U.S. Government, and which relates to the responsibilities, programs, and operations of DEA; relates to national drug control policy; or may contain any information, material, or files acquired or accessed in the course of the performance of any official responsibilities with the DEA. Non-official material may include, but is not limited to: oral statements, resumes, fiction or non-fiction books, editorials, website comments, blogs, scholarly papers, scripts, screenplays, interviews, speeches, newsletters, websites, social media, brochures, graphics, briefings, articles, presentations, book reviews, or panel discussions.
9. Official DEA Publications are any materials authored by or to be disseminated outside of DEA by current DEA personnel, which are created in an official DEA or U.S. Government capacity or on behalf of DEA or the U.S. Government, and which relate to the responsibilities, programs, or operations of DEA or current national drug control policy, including fiction, nonfiction, biography, or opinion. This includes but is not limited to:
 - a. Print material, including reports, pamphlets, brochures, periodicals, books, and articles;
 - b. DEA websites, including new material to the DEA Internet site;
 - c. Audiovisuals, including digitally recorded materials;
 - d. Posters and flyers; and
 - e. Social Media, including personal social media accounts.
10. Original Classification Authority (OCA) refers to the person or entity with the authority to make the initial decision that particular information requires protection in the interest of national security and could be expected to cause damage if subjected to unauthorized disclosure.
11. Sensitive Compartmented Information is a subset of Classified National Intelligence concerning or derived from intelligence sources, methods, or analytical processes, that is required to be protected within formal access control systems established by the Director of National Intelligence.

B. Limitations

The policies, procedures, guidelines and other provisions contained herein are not intended to,

do not, and may not be relied upon to create any rights, substantive or procedural, enforceable at law by any party in any matter, civil or criminal. Except for purposes of internal DEA procedure and discipline, these guidelines do not place any limitations on otherwise lawful investigative or litigative prerogatives of the DEA, its employees, or the Department of Justice (DOJ).

C. Policy

1. The Publications Review Board (PRB) will review and approve all official DEA publications, joint publications, and non-official material in accordance with this policy prior to dissemination to the public. This policy applies agency-wide to all DEA personnel.
2. Excluded from this policy are:
 - a. Documents published by the Office of the Administrator or the Deputy Administrator (AD);
 - b. Press releases (press releases are subject to the DEA Media Policy);
 - c. Congressional testimony and correspondence;
 - d. Official statements, to include press releases and Congressional testimony and correspondence;
 - e. Official legal documents and publications in the Federal Register;
 - f. Materials produced for official DEA training;
 - g. Publications written by DEA personnel in their individual (not official) capacities, which do not contain non-disclosable information.
 - i. This exclusion does not waive the employee's responsibility to comply with all provisions of the DEA Standards of Conduct (see Personnel Manual Section 2735).
 - ii. DEA personnel will resolve any doubt as to whether a publication is subject to PRB review and approval with the Office of Congressional and Public Affairs (CP).
3. Official DEA publications, joint publication projects, and non-official material may not contain any non-disclosable information.
4. Reference to Official Position: An employee producing a non-official publication in his/her individual capacity shall not use his/her official title or position in connection with the publication except, the employee may include or permit the inclusion of his/her title or position: when it is one of several biographical details and is not given more prominence than other biographical details; and when the publication is to be published in a scientific

or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer that the views expressed in the publication do not necessarily represent the views of the DEA, the DOJ, or the United States (see 5 C.F.R. § 2635.807(b)).

5. DEA Endorsement: No material to be disseminated using the DEA name and/or logo should either expressly or by implication be seen as endorsing or approving a particular product, service, or organization, or a company producing or selling a product or service, except in accordance with Federal government ethics regulations (see 5 C.F.R. § 2635.702(c)).
6. Classified information appearing in the public shall not be considered unclassified or automatically approved for public dissemination in accordance with E.O. 13526.
7. The PRB will be responsible for determining what office(s) is responsible for the pre-publication reviews of materials that might reasonably contain or be derived from SCI or other classified information.
8. In the event a DEA employee determines that publicly disseminated material contains classified information that was not submitted for pre-publication review and approved for release, then consistent with 32 C.F.R. § 2001.48, the unauthorized disclosure will be reported to the Office of Security Programs (IS). IS will ensure that the unauthorized disclosure will in turn be reported promptly to the originator of the classified information, and the process in ICD 701, *Unauthorized Disclosures*; and ICD 732, *Damage Assessments* will be followed.

D. Composition of the PRB

1. The voting membership of the PRB will be comprised of one senior representative from each of the following DEA components:
 - a. The Office of Congressional and Public Affairs (CP)/(CPX);
 - b. Operations Division (OC)/(OCX);
 - c. Diversion Control Division (DC)/(DCX)
 - d. Intelligence Division (NC)/(NCX); and,
 - e. Operational Support Division (SC)/(SCX).
2. The PRB's voting members are authorized to delegate their responsibilities to their respective Executive Assistants. The voting members of the PRB can request review from different divisions not included on the PRB if they have expertise and/or are a relevant stakeholder.
3. The PRB Chair will be the Chief of CP.

4. The PRB Chair will appoint a CP employee to serve as the PRB Coordinator (non-voting member).

E. Procedures for Official DEA Publications and Joint Publication Projects

1. The PRB will ensure that official DEA publications and joint publication projects:
 - a. are of the highest standards and conform to Associated Press style, whenever possible;
 - b. are consistent with the goals, objectives, policies, and achievements of the DEA; and,
 - c. contain information which is accurate, consistent with law and DEA policy, and is properly classified.
2. It is the responsibility of the originator to ensure that the document conveys accurate, timely, and appropriate information, such as: facts and statistics for the time frame cited; the status of programs and projects; and the status of legal proceedings, legislation and law.
3. Submission of Publications by DEA Personnel:
 - a. The originating office (“originator”) must submit a publication to the Office of Congressional & Public Affairs, Electronic & Internal Communications Section (CPE), PRB Coordinator in order to obtain PRB approval to publish. Each publication within the scope of this policy must receive PRB approval before dissemination outside of DEA, or posting to a DEA website.
 - b. The following requirements apply to submissions of official DEA publications and joint publication projects to the PRB.
 - i. The publication must be pre-approved by the appropriate Headquarters (SES-level) Office Head, the Field Division Special Agent in Charge (SAC), or the Regional Director for foreign office-originated publications. This approval must be reflected in the original submission package.
 - ii. The publication must be submitted to the PRB Coordinator electronically, in final draft form and in accordance with Associated Press style. The package should be complete (all pages and attachments included), and must be clearly designated by the author as either an “official DEA publication” or a “joint publication project.”
 - iii. Indicate a required due date, if appropriate; and describe the intended audience.
 - iv. The publication may not contain any non-disclosable information.

4. The PRB Coordinator has the general responsibility of managing the PRB approval process for official DEA publications and joint publication projects, including:
 - a. Receiving the submitted publication.
 - b. Ensuring that the submission package meets all the requirements set forth in paragraph 1215(E)(1).
 - c. Returning the package to the originator for necessary editorial corrections or additions to the package.
 - d. If no editorial corrections or additions need to be made by the originator, distributing a copy of the complete publication package to each PRB member, with a cover page attached. The cover page should: identify the originating office; indicate the originating office head's approval; describe the intended audience; provide a date PRB members' comments are due to the PRB Coordinator; and have space for each PRB member to indicate approval, disapproval, or conditional approval, and comment.
 - e. Ensure that the approval process is completed in order to meet required deadlines; track the submission package throughout the approval process via the PRB electronic tracking system; and maintain electronic copies of all drafts and submitted publications and comments in the PRB tracking system for three years.
5. If one or more PRB members disapprove or conditionally approve (approval predicated on the acceptance of PRB edits) the publication, the PRB Coordinator will provide the originator of the publication with all PRB members' comments for consideration and incorporation into the final product.
 - a. The originator will incorporate all appropriate comments resulting from this preliminary review into the final draft of the publication. Required or recommended PRB members' comments not incorporated must be reconciled by the originator with the PRB Coordinator. The originator will provide a revised draft, clearly indicating the changes made to the original text (using redline edits if possible), to the PRB Coordinator for re-routing to the PRB.
 - b. The PRB Coordinator will provide to all PRB members a copy of the revised publication, which clearly indicates the changes made to the original text, for review and approval. This process will be repeated until all PRB members approve the publication or until any disputes are resolved by the PRB Coordinator.
6. The originator is responsible for the transmittal of the publication, as approved, to the publisher.
7. Each PRB member has the responsibility to review all documents, attachments, and cites contained within the submission package. Throughout the review process, PRB members

should be mindful of the document's intended audience, consistency with other approved documents/policies and consistency with applicable laws and regulations. After review, the PRB member will either:

- a. Approve and indicate such approval via e-mail to the PRB Coordinator;
- b. Conditionally approve predicated on the acceptance of provided edits; or,
- c. Disapprove and indicate disapproval by return e-mail to the PRB Coordinator, along with an explanation for the disapproval.

PRB members may also submit recommendations and suggested edits that are not mandatory for approval but which may improve the quality of the publication.

F. Procedures for Non-Official Material

1. Current and former DEA personnel will submit non-official material requests directly to the Office of Congressional Affairs, PRB, c/o Publications Review Board, 8701 Morrisette Drive, Springfield, VA 22152. Inquires may be directed to the PRB at (202) 307-7363.
2. DEA will limit the distribution of non-official materials to those persons who will participate in the pre-publication review process because the non-official material may be covered by U.S. copyright laws.
3. Except as set forth below, the same general process in Section E will be followed for the review and approval of non-official publications. However, the PRB review will be solely for the purpose of identifying non-disclosable information that must be removed from the non-official material before it may be disseminated to the public. The sole ground for disapproval of a non-official publication or any portion thereof is the inclusion of non-disclosable information. Approval may not be withheld for matters of factual accuracy, style, or opinion.
4. When circulating a covered publication to PRB members, the PRB Coordinator will clearly mark it as "NON-OFFICIAL MATERIAL," and note the sole purpose of the PRB review is to identify non-disclosable information.
5. Upon reviewing a non-official publication, PRB members will approve it if it does not contain any non-disclosable information, and indicate such approval via e-mail to the PRB Coordinator.
6. If upon review a PRB member identifies any information he or she believes is non-disclosable, the PRB Member will notify the PRB Coordinator, specifically identifying the non-disclosable information, and articulating the specific grounds for non-disclosure.
7. The PRB Coordinator will work with the submitting party to arrange for the removal of the non-disclosable information. If the matter cannot be resolved between the PRB Coordinator

and the submitting party, the PRB Coordinator will refer the matter to the PRB Chair for a decision.

8. If the submitting party objects to CP's decision, the issue will be referred to AD for a final decision.

G. Policies and Procedures for Non-Official Classified Information Including SCI

The following additional policies and procedures apply to pre-publication reviews of non-official materials intended for public dissemination that might reasonably contain or be derived from classified information, including SCI.

1. DEA personnel must submit non-official materials for a pre-publication review prior to public dissemination or sharing with anyone that is not authorized access to classified information (e.g., peer reviewers, editors, agents, co-authors, third-parties, etc.).
 - a. Current or former DEA personnel, with classified information access, must submit pre-publication review requests of non-official material that might reasonably contain or be derived from SCI material or other classified information directly to the Office of Congressional Affairs, PRB, (202) 307-7363.
2. Pre-publication review requests must include the final or near final draft, and comprehensive sourcing.
3. If the PRB determines the non-official material reasonably contains SCI or classified information, then the PRB will determine which office(s) are in the best position to make the determination whether there is SCI or classified information in the material that should not be disclosed to the public.
 - a. The PRB may consult or coordinate with any person who can assist in determining how to proceed with the prepublication review process. This may include seeking assistance to assess the content. In such instances, the content will be forwarded to the office(s) that has subject matter expertise concerning the proposed disclosure(s).
4. The PRB member in the division that has subject matter expertise concerning the proposed disclosures referenced in paragraph 3 above, will be responsible for the initial pre-publication review of the materials that might reasonably contain or be derived from SCI or other classified information.
5. Subject to paragraph 6(a) below, the PRB review is for the purpose of identifying SCI or classified information that must be removed from the non-official material before it may be disseminated to the public. The sole ground for disapproval of a non-official publication or any portion thereof is the inclusion of SCI or classified information. Approval may not be withheld for matters of factual accuracy, style, or opinion.
6. DEA's IC Element Head, Chief of Intelligence, in consultation with the PRB member identified in paragraph 4 above, will make the final decisions on such pre-publication

reviews on behalf of DEA and will designate a specific DEA employee assigned to NC to coordinate any such pre-publication review and perform such duties as necessary, and assign any additional NC personnel as required for each pre-publication review. In addition, CC will designate a CC attorney with access to SCI information to provide legal guidance and support to NC during the pre-publication review process.

- a. In the event NC determines that in addition to SCI or classified information, the material may contain information that is not classified but otherwise may be prohibited from public dissemination (*see* Section A.6.), NC will coordinate as required with the PRB for review of those portions of the material that do not contain classified information.
7. This policy does not affect the responsibilities or obligations of individuals under law, regulation, or contract, including U.S. Government or DEA non-disclosure agreements (NDA) regarding access to SCI, nor does it alter the terms of such NDAs or any regulations issued in connection therewith. For any perceived inconsistencies between such NDAs and this policy, the NDA shall have primacy.
8. Failure to comply with NDAs regarding access to classified information may result in the imposition of administrative, civil, or criminal penalties and damages against the individual. For current DEA employees this may include, but is not limited to, suspension or termination of security clearances and accesses, and/or U.S. Government employment.
9. DEA will adhere to the following principles when conducting pre-publication reviews of materials that might reasonably contain or be derived from classified information:
 - a. Pre-publication reviews shall be timely, reasoned, fair, and impartial; and,
 - b. The public dissemination of non-official material will be limited only if necessary to safeguard information requiring protection in the interest of national security or as required by law.
10. Classified information appearing in the public shall not be considered unclassified or automatically approved for public dissemination in accordance with Executive Order 13526.
11. The approval of a pre-publication review request by DEA does not imply endorsement or authentication of the material. DEA will require that the published non-official material contain a disclaimer stating that the opinions and views expressed are those of the author(s) and do not authenticate content or reflect the opinions and views of DEA or the U.S. Government.
12. In the event a DEA employee determines that publicly disseminated material contains classified information that was not submitted for pre-publication review and approved for release, then consistent with 32 C.F.R. § 2001.48, the unauthorized disclosure will be reported to the Office of Security Programs (IS). IS will ensure that the unauthorized disclosure will in turn be reported promptly to the originator of the classified information,

and the process in ICD 701, *Unauthorized Disclosures*; and ICD 732, *Damage Assessments* will be followed.

13. DEA will strive to complete the pre-publication review within 30 business days of its receipt.
 - a. Relatively short, time-sensitive requests (e.g., letters to the editor, oral statements, etc.) shall be handled as expeditiously as practicable.
 - b. If the review process exceeds 30 business days, NC shall notify the submitting person, and provide a status update.
14. NC will coordinate the pre-publication review, and will ensure that access to the material is limited to persons with the requisite authorization for SCI access who are needed for the pre-publication review, and that proper procedures for access, storage, and dissemination of classified information are followed.
15. To protect the equities of all IC elements, NC shall identify, refer, and coordinate the pre-publication review with IC element stakeholders. If there is any doubt regarding which IC elements may have equities, NC shall refer the request to all potential IC elements for review.
16. If NC identifies classified information during the review, NC shall contact the submitting individual to prevent unauthorized disclosure, and address containment, if necessary. Good-faith submissions shall not be considered a breach of the pre-publication requirements of this policy.
17. NC must request a comprehensive written response from each IC element that has received the material clearly indicating the following: which portions of the final draft are approved for public dissemination; which portions are not approved for public dissemination; and documentation of the reason(s) for approval, modification, and denial.
18. The Chief of Intelligence will not make a final determination on public dissemination until a response is received from all IC element stakeholders.
19. In the event of disputes among IC element stakeholders, the IC element with OCA over the equity in question must make the final determination on public dissemination for its information. When there is not an identified OCA, the Chief of Intelligence will resolve disputes among IC element stakeholders.
20. The Chief of Intelligence shall provide a single consolidated, and comprehensive written response to the individual clearly indicating which portions of the pre-publication review request are approved for public dissemination, require modifications prior to public

dissemination, or are not approved for public dissemination. The written response will include a statement that any denial in whole or part may be appealed to DEA no later than 60 calendar days from the date of the denial, and instructions on how to submit any such appeal.

21. All substantive content changes to a previously reviewed pre-publication review request that was approved for public dissemination shall be submitted for additional review. Non-substantive changes need not be re-submitted.

H. Procedures to Process Appeals

1. The following procedures will be followed for any denial issued by the Chief of Intelligence:
 - a. NC will review any appeal of a denial received from the submitting individual. The individual will submit their appeal no later than 60 calendar days from the date of the denial.
 - b. Any written denial will include instructions to the submitting individual on the required contents of an appeal, to include:
 - i. specific identification of the portion(s) of the material for which the submitting individual desires an additional review;
 - ii. results of the prior review;
 - iii. additional sourcing; and,
 - iv. any other materials that support the submitting individual's assertion that this information is not SCI or otherwise classified.
 - c. NC will coordinate the additional review in accordance with the above procedures. The additional review process will be completed as expeditiously as possible, with the goal of providing a final determination to the submitting individual within 30 business days.
 - d. Upon completion of the additional review, the Chief of Intelligence will submit the matter to AD, with a recommendation for each portion of the material that was appealed. AD will then make a final decision for each portion under appeal, except as set forth below.
 - i. For disagreements among U.S. Government departments or agencies, the department or agency with OCA will make the final decision.
 - e. NC will notify the submitting individual in writing as to the final decision of each portion of the material under appeal. A copy of the final decision will also be provided to the PRB Chair.

- f. The final decision on public dissemination made during the appeal process shall close the appeal, and another appeal may not be requested.